



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

CARYN ROSENCRANTZ  
Phone (212) 788-1276  
Fax (212) 788-9776  
crosentr@law.nyc.gov

MEMO ENDORSED

March 19, 2008

**BY FACSIMILE**

Magistrate Judge Kevin Nathaniel Fox  
United States Magistrate Judge  
Southern District of New York  
500 Pearl St., Room 540  
New York, New York 10007  
Fax: 212-805-6712

Re: Kareem Hamilton v. Warden Brian Riordan, et al., 07 CV 7163 (PKC)  
(KNF)<sup>1</sup>

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendants Warden Cripps, Warden Riordan and Captain Flores' time to answer or otherwise respond to the amended complaint in this action be enlarged sixty (60) days from March 19, 2008 to and including May 19, 2008. *Pro se* plaintiff, Kareem Hamilton, is currently incarcerated and therefore, I am unable to reach him in order to obtain his consent. However, I have no reason to believe that he would object to this request for an initial enlargement of time.

As background, the amended complaint alleges, *inter alia*, that on November 21, 2006, while incarcerated at Rikers Island, Warden Cripps, Captain Flores and other unidentified New York City Department of Correction officers failed to protect plaintiff from an attack by a fellow inmate in violation of his federal civil rights. As a threshold matter, an enlargement of

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Katherine E. Smith, who is presently awaiting admission to the bar and is handling this matter under supervision. Ms. Smith may be reached directly at (212) 513-0462.

time will allow this office to obtain the underlying documentation regarding the alleged incident from the facility and forward to plaintiff for execution an authorization for the release of his medical records. Without the records, defendants cannot properly assess this case or respond to the complaint. Accordingly, defendants require this enlargement so that they can obtain the underlying documentation, properly investigate the allegations of the amended complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

This Office has not discussed with defendants the manner of service, and we make no representation herein as to the adequacy of process on defendants Cripps, Riordan and Flores. Although this office does not currently represent defendants and assuming they were properly served, this office respectfully requests this enlargement of time on their behalf in order that their defenses are not jeopardized while representational issues are being decided. As Your Honor may be aware, pursuant to Section 50-K of the New York General Municipal Law, the Corporation Counsel's office makes its decision to represent based on a review of the facts of the case. Our investigation includes conducting a representational interview. The requested enlargement of time will allow this Office to conduct the mandatory representation interviews and as a result, complete its representational investigation.

No previous request for an enlargement of time has been made. Accordingly, this office respectfully requests that defendants Warden Cripps, Warden Riordan and Captain Flores' time to answer or otherwise respond to the complaint be enlarged to sixty (60) days from March 19, 2008 to and including May 19, 2008.

I thank Your Honor for considering the within request.

3/20/08

*On or before April 23, 2008  
the defendants identified above  
shall serve and file their answer  
to the complaint or move with respect  
to it.*

*SO ORDERED:  
Kevin Nathaniel Fox*

*KEVIN NATHANIEL FOX, U.S.M.J.*

Respectfully submitted,

*Caryn Rosencrantz*

Caryn Rosencrantz (CR 3477)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Kareem Hamilton (#441-06-1052)  
Pro Se Plaintiff  
AMKC, C95  
18-18 Hazen Street  
East Elmhurst, New York 11370  
(By First Class Mail)